

Trade in America 1764

THE
SUPREMACY
OF THE
BRITISH LEGISLATURE
OVER THE
COLONIES,
CANDIDLY DISCUSSED.

L O N D O N :

Printed for J. JOHNSON (No. 72.) St. Paul's Church-
yard. M D C C L X X V .

дн т

У С А М Э Я Б У А

СИГИЗМОНДОВЫХ

СВЯТОГО

СИГИЗМОНДА

ЭКСПЕДИЦИИ НА ТЫС.

СИГИЗМОНДА ЗА В



СИГИЗМОНД

БИБЛІОГРАФІЧНА КОЛЛЕКЦІЯ

СИГИЗМОНДА

БІБЛІОГРАФІЧНА КОЛЛЕКЦІЯ

TO THE
RIGHT HONOURABLE THE
PARLIAMENT
OF
GREAT BRITAIN,
THIS PAMPHLET
IS
MOST HUMBLY INSCRIBED
BY THE
A U T H O R.

Э Н Т О Т
Э Н Т

RIGHT HONOURABLE THE
SIR P R E M A C Y

П А Й А Л Я М А И Т

B R I T I S H L E G I S L A T U R E

G R E A T B R I T A I N

THE present disputes between Great Britain and her colonies are truly
salutary. Differences of this kind stimulate
improvement in every country. Many and
dearcess to other countries. Many and
gives advantages to the country of birth. With
regard to the superiority of birth there
over the colonies. Intelligent writers on
both sides this country consider it their
duty to delineate a history of the
importance

of the

in taxation by the colonies of a less
merit than the present encroaching of the
American colonies. As the bounding terri-
tory of the colonies is to be su-
pplied from the mother country
I found



[a]

S U P R E M A C Y
OF THE
BRITISH LEGISLATURE, &c.

THE present disputes between Great Britain and her colonies are truly alarming. Dissentions of such a nature involve in them very dangerous consequences to both countries. Many and divers opinions are every day started with regard to the authority of parliament over the colonies. Intelligent writers on both sides are constantly exerting their utmost ingenuity on a matter of so great importance.

If taxation by parliament be a legal measure, the present proceedings of the Americans cannot but be accounted seditious. If taxation by parliament be an unjustifiable exertion of power, I honour

B

the

the Americans for their steady resistance to it. If the authority of parliament extend over all the dominions of the British crown, parliament is only doing itself justice in supporting its lawful authority. If the authority of parliament be confined to Great Britain, parliament instead of being the defender, is become the destroyer of liberty. I am equally a friend to both countries. I hope justice will prevail.

The authority of the English legislature over her colonies must be determined, either by the first principles of colonization; or by an authority inherent in parliament, and confirmed by the submission of the colonists; or by long usage and custom of parliament; or by an authority grounded in justice and equity towards its dominions in general. If neither of these principles can be brought in support of the authority of parliament, then far be it from me to deny, that parliament has assumed an illegal and arbitrary power over the Americans; but if, on the contrary, I shall prove, that the Americans are now flying in the face of each and every of these principles, then I shall leave my readers

readers to judge what my opinion is by their own.

With regard to the first of these arguments, that is, the authority which all countries have exerted over their colonies, I have very little to offer, because it will not have much weight on the present occasion. Our colonies were not discovered till after parliaments were instituted; therefore, the present case pends on the authority with which parliaments were vested at their institution.

In wise governments colonization was permitted for two purposes: The one was when the increase of people rendered it inconvenient to provide for them at home; the other, in order to extend the power of the parent-state by the acquisition of new settlements. In either case they went by permission, they were by no means released from the natural authority of their lawful sovereign; on the contrary, they took possession of new settlements in right of the parent-state; they were defended in those settlements by that state; they carried with them the laws of the country from which they emigrated; they remained under the subjection of the legislature of that country, consequently

that legislature had power to exert a legal authority over them.

These are principles which I believe never have been, nor ever can be, denied, and the inference we must draw from them is, That had our colonies been in our possession before parliaments were established, they would have been subject to the king of England as an absolute monarch.

But America was not in our possession till long after the establishment of parliaments, therefore we are now to examine whether they are subject to the authority of parliament. The most ready way to become judges of this seems to be, to enquire, What authority is inherent in parliament?

The origin of meetings in the nature of parliaments is not yet absolutely ascertained. The most probable conjecture is, that our ancestors, who were a bold and brave people, being too numerous to assemble together to make their own laws (such large meetings being productive of anarchy and confusion) and at the same time being unwilling to intrust a mortal like themselves, subject to all the passions and

and frailties of human nature, with their liberties, and to invest him with an arbitrary power over their lives, and a right to exact from them whatever exorbitant sums his ambition or his vices should give him occasion to demand, formed a constitution, which was not then, nor, as far as human prudence could suggest, would ever be subject to either of these inconveniences. They at first deputed a certain number of the wise men of each nation from the several districts in it, to advise and consult with their King upon what measures were proper to be taken for the purposes of state, and the defence of the kingdom. This constitution was afterwards changed to one similar in its principles, though different in its form. It consisted of the king, the nobles of the land, and a certain number of the commons chose by the people, who had a power delegated to them from the people, to represent them, and when united, to enact laws for their benefit, and to raise such sums of money as should be necessary for the support and defence of government.

The power of these three estates was so equally balanced, that the prerogative of the king was confined within such bounds

bounds as insured the liberties of the people, without derogating from the just rights of the crown. The nobles, whose honours being hereditary were not subject to the will or caprice of either the king or people, were an intermediate body, who took care that neither of the other estates encroached upon their mutual privileges. The commons, who were composed of the people, were judges what laws would be most conducive to their happiness, and what monies should be raised for the support and defence of the government. This was a constitution, which from its principles must be permanent, because its foundation was laid on policy tempered with justice, and the fabrick was supported by the pillars of freedom and independence. From henceforth these three bodies were deemed the legislature. They were representatives of the kingdom, as one people, but not a representation of every man in his separate capacity. Each estate was jealous of its own privileges, consequently ever watching and guarding against any encroachment of the other two estates. Their authority was not confined to England. They were vested with an unlimited power over all the subjects of the British crown. The places where their authority should cease,

cease, the time when it should expire were not mentioned. It was a constitution established for ever. All territories which the crown of England should acquire, from that time, were not the property of the king alone, but of the legislature; subject to the legislature, but not subject to any one separate branch of the legislature.

Long after this constitution was established our colonies were discovered. The first people that inhabited them were British subjects, who emigrated in search of new settlements, who took possession of such settlements as they discovered, in the name of the crown of England, and who were confirmed in their possessions, either from charters under the great-seal, or temporary authorities given them by the king.

At the time of receiving these charters they were confessedly subjects of the crown of England, for they claimed the laws of England as their just and equitable right, and expected to be supported by England against the other powers of Europe. They were not disappointed in their expectations. They were defended in their new settlements, not by the king of England

land alone, but by the legislature of England, that is, the British parliament.

Parliament, from the first settlement of America, treated her with the attention of a kind and indulgent parent. America was the darling of England. England was beloved and respected in America. The public-spirit of English merchants was the basis on which her churches, her houses, and her cities were erected. By the credit given to her inhabitants by English merchants, she increased in wealth and power. Such were the auspices under which America gained her present greatness.

During a number of years the Americans, or rather the English colonists, never entertained an idea, that was subversive of the power of parliament over America. On the contrary, they prided themselves in being subject to its authority, for they prided themselves on having a just and equitable claim to the rights and privileges of Englishmen, which rights and privileges were derived from the British parliament. In times of distress they applied to the British parliament, for they applied to the British legislature. In those days they saw their charters in

their

their true colours. They were satisfied that they did not extend beyond the mere internal police of those provinces to which they were separately granted. They claimed their charters under the great-seal of England; for they received them under that seal, and it would be absurd to suppose that they received a charter under the great-seal of England, which was destructive of the just authority of the crown of England. The king's giving them these charters under the great-seal of England, is a tacit declaration and acknowledgment, that he had not power to give them any charter, without the specious shew of a co-operation of the other two estates in the act; for kings never give up their prerogative. Therefore, had the prerogative intitled the king to dispose of any part of the British territory, and to release such part from the authority of the British legislature, he would not have sealed his charters for so doing with the great-seal of England, but he would have executed them with his own privy-seal. The acknowledgment of this fundamental principle of the constitution is likewise obvious on the part of the Americans, by their quiet submission to parliamentary authority for a series of years, and that at a time when repub-

lican principles were; if possible, more predominant in America than they are now. Even those republicans, violent and enthusiastic as they were, yet were not absurd enough to assert an emancipation from the laws of England, which could only be founded on the inconsistent proposition, that one part of the legislative body could dispense with the authority of the other two parts, without their consent or even knowledge. Nay, I will venture to affirm, that if they could have defined such a problem, they were too fond of enjoying the rights and privileges of Englishmen to have done it. It would then have been thought the most fatal stab, that could have been given to the vitals of American liberty, to have asserted, that they were not subjects of the British legislature.

Besides, the Americans were too weak and defenceless to set up for a free people; they were too wise to deliver themselves into the hands of an arbitrary monarch, (if they could have done so); therefore, as from their situation and circumstances, they could not but fall a prey either to one or all the other powers of Europe, their own convenience and happiness would have directed them to unite with Great Britain. I advance this only

only to shew, that had they not been under our crown by right, they must in justice to themselves have sued to us for protection.

Now, if the king of England, being only one estate, could not grant charters which emancipated any part of the English territories from the laws of the British legislature without its consent, did give such charters, they would of themselves become void. The Americans found their exclusive right of taxing themselves upon such charters. I am surprised they are not aware of the feebleness of this argument; for, in pleading these charters, as exemptions from taxation by parliament, they allow that there was a right in parliament to tax them before those charters were granted, but affirm that the right was destroyed by the charters. But as there is no authority superior to parliament, parliament must be the only competent judge of its authority; and can alone grant an exclusion from that authority; therefore, as a charter to dispense with the supremacy of parliament must be granted, not by the king, but by parliament, the Americans are still taxable by parliament, for the American charters were given them by the king; and

and it would be as absurd, illegal, and impossible for the king to grant a charter, or charters, subversive of the authority of the other two estates without their consent, as it would be, for one partner in a great merchant's house to present a friend with the whole stock in trade, without the knowledge and consent of the other partners.

To return to my argument. If no such charter as this could exist, (and I flatter myself I have clearly proved that it could not,) America is brought back to its original state of being part of the territory of Great Britain, consequently subject to the legislature of England, supported and defended by that legislature, as a territory within the jurisdiction of that legislature, and therefore intitled to the inestimable rights and privileges of Englishmen, which originate in parliament.

The Americans do not deny the power of parliament with regard to legislation, but they resolve not to be subject to it with regard to taxation; which is acknowledging the authority of parliament in general terms, and afterwards and in

the same breath, denying that to which they have already consented.

To agree that America, part of the territory of England, is subject to the authority of the English parliament in all acts of legislation, and released by charter from its authority in acts of taxation, which is a very material part of legislation (without its consent) is an absurdity ; and yet this is the ground of the present disputes. In one of their addresses they declare, " That from common law and the province-charter, the inhabitants of this province are clearly intitled to all the rights of free and natural-born subjects within the realm : that among those rights must be included the essential one just mentioned concerning aids and taxes, and therefore that no aids or taxes can be levied on us constitutionally without our own consent signified by our representatives ; from whence the conclusion is clear, that therefore the inhabitants of this province are not subject to parliamentary taxation." In this extract it is obvious, that from their own words they are subject to parliamentary taxation. For, if the Americans are intitled to all the rights of free and natural-born subjects

jects within the realm, they must be considered as within the realm, and be intitled to those rights as free and natural-born subjects; and if as free and natural-born subjects they claim rights and privileges which are solely claimable by free and natural-born subjects within the realm, and which originate in the English constitution, in so doing, they acknowledge a subjection to that constitution, and consequently are bound by the laws of God and man to subscribe their quota towards its support and defence; for it cannot be supposed that the Americans have a just claim to all the rights and privileges resulting from the English constitution, and at the same time a power to disclaim the authority of that constitution, when the necessities of the whole state oblige parliament to demand a revenue from America, not for the support of the kingdom in general, proportionable to their ability to give, but merely to supply the establishment of their own separate governments.

I have now shewn what authority is inherent in parliament from the principles upon which it was constituted, and also the just sense that America entertained of its authority for many years. I shall next

con-

confirm what I have said, by a recital of a number of acts of parliament which the Americans have always submitted to as laws, whether they were enacted for the purpose of legislation or taxation.

The first act in the first session after the restoration, wherein parliament shews the great attention and regard it had to the interest of this country and America, is the 12th of Charles the Second, which prohibits "the importation into or exportation out of any lands, islands, plantations, or territories to His Majesty belonging or in His possession, or which may hereafter belong unto or be in possession of His Majesty, His heirs and successors, in Asia, Africa, and America," of all merchandize or commodities whatsoever, "except in ships belonging to the people of England, Ireland, or the said lands, islands, plantations, or territories, and navigated by Englishmen;" and the same act explains an inclusion of "the men and shipping belonging to England, Ireland, Wales, Guernsey, Jersey, or any other the lands, islands, dominions, and territories to His Majesty in Africa, Asia, or America belonging or in His possession." And under the description of ships

ships of England, &c. and navigated by Englishmen, the inhabitants of the colonies have since enjoyed all the privileges and advantages given by this act to the ships and inhabitants of the people of England: but this act still further proves the jurisdiction exercised by parliament over the colonies; for it prohibits
 " any person who is an alien," that is, (as this act explains it) " one not born
 " within the allegiance of the King, or
 " made a free denizen, from exercising the
 " trade or occupation of a merchant or
 " factor in any of the said places, upon
 " pain of the forfeiture and loss of all
 " such person's goods and chattels."

That part of the 15th of Charles the Second, which relates to the plantations, shews, not only the idea parliament entertained of the authority of the mother-country over the plantations, but also the impartiality they held between Great Britain and the colonies. In cap. 7. sect. 5. it says, " and in regard His Majesty's
 " plantations beyond the seas are inhabited
 " and peopled by his subjects of this his kingdom of England; for the maintaining
 " a greater correspondence and kindness
 " between them, and keeping them in a
 " firmer dependence upon it, and rendering
 " them

" them yet more beneficial and advantageous
 " unto it in the further employment and
 " increase of English shipping and sea-
 " men." It then goes on to assert :
 " And it being the usage of other nations
 " to keep their plantation-trade to them-
 " selves," it enacts, that " no commo-
 " dity of the growth, production, or
 " manufacture of Europe, shall be im-
 " ported into any land, island, plantation,
 " colony, territory or place to His Ma-
 " jesty belonging, or which shall here-
 " after belong unto or be in the possession
 " of His Majesty, His heirs and suc-
 " cessors, in Asia, Africa, or America,
 " (Tangier only excepted) but which
 " shall be *bona fide*, and without fraud,
 " laden and shipped in England, Wales,
 " or the town of Berwick upon Tweed,
 " and in English-built shipping, &c. and
 " whereof the master and three-fourths
 " of the mariners at least are English,
 " and which shall be carried directly
 " thence to the said lands, islands, plan-
 " tations, colonies, territories or places,
 " and from no other place or places
 " whatsoever, any law, statute, or usage
 " to the contrary notwithstanding, under
 " the penalty of the loss of all such
 " commodities of the growth, production,
 " or manufacture of Europe, as shall be

imported into any of them from any
 other place whatsoever by land or
 " water ; and by water, of the ship
 " or vessel also in which they were im-
 ported, with all her guns, tackle, fur-
 niture, ammunition, and apparel," to
 be sued for and recovered in any of His Majesty's
 courts in such of the said lands, islands,
 colonies, plantations, territories, or
 places where the offence was com-
 mitted, or in any court of record in
 England, by bill, information, plaint,
 or other action; wherein no escheat,
 protection, or wager in law shall be
 allowed.

That part of section 18. of the same
 act, in which parliament gives its reasons
 for enforcing the prohibition of planting
 tobacco in England, and which proves
 the practicability and increase of growing
 that plant in England, and also the equal
 and impartial regard which the parliament
 entertained for both the inhabitants of
 the colonies and the people of England,
 as common subjects of the state, deserves
 to be mentioned. And forasmuch as
 planting and making tobacco within
 this kingdom of England doth con-
 tribute and increase, to the apparent loss
 of His said Majesty in his customs, the

*The discouragement of the English plantations
as in the parts beyond the seas, and prejudice
of this kingdom in general.*"

The first act that lays taxes on America
for the sole purpose of revenue, is the
25th of Charles the Second; by which
the duties following were directed to
be paid, "for so much of the said com-
modities as shall be laden and put on
board such ship or vessel; that is to say,
for sugar white the hundred weight five
shillings, and brown and muscovados
the hundred weight one shilling and
six-pence; tobacco the pound one
penny, cotton wool the pound one
half penny, for indigo two pence, ginger
the hundred weight one shilling, log-
wood the hundred weight five pounds,
fustick and all other dying woods the
hundred weight six-pence, cocoa the
pound one penny; to be levied, col-
lected, and paid, at such places, and to
such collectors and other officers, as
shall be appointed in the respective
plantations, to collect, levy, and re-
ceive the same before the lading thereof,
and under such penalties both to the
officers and upon the goods, as for
non-payment of or defrauding His
Majesty of his customs in England."

and for the better collection of the several rates and duties imposed by this act, be it enacted, that this whole business shall be ordered and managed, and the several duties hereby imposed shall be caused to be levied by the commissioners of the customs in England, by and under the authority and directions of the lord treasurer of England, or commissioners of the treasury.

It is very obvious, that all these duties, saving that upon logwood, were laid for the purpose of raising a revenue in the plantations; for this reason, that, if they had been intended merely as regulations for trade, or as prohibitory of their exportation from foreign parts, or from one colony to another, a proportionable duty would have been exacted upon every article of those commodities: whereas, the duties upon almost, I believe upon all of them, except that upon logwood, were the same, or nearly the same, as those commodities paid upon importation into Great Britain; and the purposes to which such revenue was to be appropriated is not mentioned, because at that time it was very common for parliament to give the king grants of revenue without account, for the public necessities of the state.

But

But that this act was a revenue act is confirmed beyond a doubt, by the 1st of George the First, cap. i 12, sect. 4. Which section continues these duties for levies, subject to redemption, and orders them to be paid into the receipt of his majesty's exchequer. And it is hereby also enacted by the authority aforesaid, that all the monies which from and after the said feast day of St. Michael the archangel, in the year of our Lord one thousand seven hundred and fifteen, shall arise by the duties, which in and by an act of parliament, made and passed in the five and twentieth year of the reign of king Charles the Second (of blessed memory) intitled, an act for the encouragement of the Greenland and Eastland trades, and for the better securing of the plantation-trade, were granted to his majesty, his heirs, and successors for ever, commonly called the plantation-duties (the necessary charge of raising and paying the same only excepted) shall also be brought and paid from time to time into the said receipt of exchequer for the purposes in this act expressed, and be liable to such redemption as is herein after prescribed, in that behalf. And by the fifteenth

act of the 15th section

section of the same act, these duties are made part of the aggregate fund.

I defy the most strenuous advocate for the Americans, after reading these two acts, to lay his hand to his heart, and deny that they are acts passed for the purpose of raising a revenue in America by the authority of parliament : that that revenue, when raised, has been applied to the uses of government here ; and that they were received and submitted to by the Americans without complaint.

The next act I shall take notice of is that of the 7th and 8th of William and Mary, which provides towards the support of Greenwich hospital, and enacts, "that every seaman whatsoever in any of his majesty's ships, or any other person whatsoever in any of his majesty's ships, or in any ship or vessel whatsoever belonging or to belong to any subjects of England, or any other his majesty's dominions, shall allow, and there shall be paid out of the wages of every such seaman, to grow due for such his services, six pence per month, for the better support of the said hospital, and to augment the revenue thereof."

This

This tax has always been, and is to this day levied and paid in the colonies.

There was likewise another act passed in the same year, intituled, "an act for preventing frauds and regulating abuses in the plantation trade." This act affirms a greater parliamentary right over the colonies, than any of the foregoing. It renews and enforces all the former laws respecting the plantations, makes all ships and vessels that come into any port there, liable to the same regulations and restrictions, as those that come into a port in England are liable to. It enacts, "that the officers for collecting and managing his majesty's revenue, and inspecting the plantation trade in any of the said plantations, shall have the same powers and authorities for visiting and searching of ships, and taking their entries, and for seizing and securing or bringing on shore any of the goods prohibited to be imported or exported into or out of any of the said colonies and plantations, or for which any duties are payable or ought to have been paid by any of the before-mentioned acts, as are provided for the officers of the customs in England; and also to enter houses or warehouses to search for

" for and seize any such goods. And
 " that all the wharfingers and owners of
 " keys and wharfs, or any lighterman,
 " bargeman, waterman, porter, or other
 " persons assisting in the conveyance,
 " concealment, or rescue, &c. shall be
 " brought to the like pains and penalties
 " as are provided in relation to prohibited
 " or uncustomed goods here in Eng-
 " land, and the like assistance shall be
 " given to the said officers, as is provided
 " for the officers in England; and also
 " that in case any officer or officers in
 " the plantations shall be sued or mo-
 " lested for any thing done in the execu-
 " tion of their office, the said officer may
 " plead the general issue, and shall give
 " this or other custom-acts in evidence,
 " and the judge to allow thereof."

The 9th section of this act, declares
 and enacts, " that all laws, bye-laws,
 " usages, or customs at this time, or
 " which hereafter shall be in practice, or
 " endeavoured or pretended to be in force
 " or practice in any of the said planta-
 " tions, which are in anywise repugnant
 " to the beforementioned laws or any
 " of them, so far as they do relate to the
 " said plantations or any of them, or
 " which are anyways repugnant to this

" present act, or to any other law hereafter
 " to be made in this kingdom so far as such
 " law shall relate to and mention the said
 " plantations, are illegal, null, and void
 " to all intents and purposes whatsoever." Thus it not only extends to individuals and their effects, but likewise asserts an absolute authority over their courts of justice, and even their assemblies.

The act of 11th of king William, which is for the trial of pirates in America, infuses parliamentary authority still stronger; for there is a clause in it which says, " And be it hereby further declared and enacted, that if any of the governors in the said plantations, or any person or persons in authority there shall refuse to yield obedience to this act, such refusal is hereby declared to be a forfeiture of all and every the charters granted for the government or propriety of such plantation." It cannot be denied, that this clause is conceived in as absolute terms of authority as is possible to be devised. It shews the opinion of parliament with regard to its power of taking away charters. The submission the colonies paid to this law is the strongest confirmation of the high sense they had

of the right of the king to make laws of

of the authority of parliament over them.

The act of the third and fourth of queen Anne, strongly supports the authority of parliament; for it prohibits the cutting down any pitch or tar trees in the colonies of New England, New York, or the Jerseys, that shall not be within a fence or inclosure, notwithstanding the lands upon which they grow, and consequently the trees, which are the produce of those lands, are the private property of the inhabitants of those colonies.

The act of the 9th of queen Anne, for establishing the post-office, and for laying the taxes thereby imposed on the carriage of all letters in Great Britain, Ireland, the colonies and plantations in America, and the West Indies, and all other Her Majesty's dominions and territories, runs thus,

" That the business may be done in such manner, as may be most beneficial to the people of these kingdoms, and Her Majesty may be supplied, and the revenue, arising by the said office, better improved, settled, and secured to her majesty, her heirs, and successors!" besides which, the ferrymen and owners of ferries, are obliged to carry over the post, free of charges, under

der a severe penalty. This act appears in the face of it to be, and is conceived in the terms of, a revenue-law.

The act of the 5th of George the Second, which prohibits the exportation of hats made in the colonies, even from one colony to another, also prohibits any persons, who have not served an apprenticeship to that business, from making hats there even for their own wearing; and it also restrains all makers of hats from taking more than two apprentices at a time, or any for less than seven years; and entirely prohibits the employing negroes in that business. This act is the more striking, as it shews that parliament exerted their authority in the internal regulations of the provinces in America; and the ready submission of the Americans to this act, notwithstanding its severity, is an acknowledgment of the right of parliament so to do.

The act of the 13th of George the Second naturalizes foreigners after a residence of seven years in the colonies, not only in respect to Great Britain, but in respect to the colonies also. The authority of this act has never been disputed in the colonies; for such naturalized foreigners have

not only voted in elections of members of the several colony-assemblies, but have also been elected, and sat in those assemblies in consequence of that act.

The act of the 5th of George the Second, " abrogates so much of the common law, as relates to descents of free-holds in America ; takes from the son the right of inheritance in the lands the crown had granted to his father in absolute fee ; makes them assets, and applies them to the payment of debts and accounts contracted by the father without the participation of the son."

This act was passed upon the petition of the English merchants trading to the colonies, who complained, " That in Virginia and Jamaica, a privilege was claimed to exempt their houses, lands, and tenements, and their negroes also, from being extanted for debt," and the lords of trade represented, " That the assemblies of those colonies, could never be induced to divest themselves of these privileges, by any act of their own."

Therefore, in immediate opposition to the inclinations of the colony-assemblies, and even after their absolute refusal to remove this grievance, parliament did it by its own authority,

I shall
nolle 3

I shall mention but one other act, and that is the 6th of George the Second, cap. 13. for the purpose of raising a revenue for the uses of government, and for discouraging the importation of foreign rums and spirits into the British plantations; it lays " upon all rum or spirits of the product or manufacture of any of the colonies or plantations in America, not in the possession or under the dominion of His Majesty, His heirs, and successors, which at any time or times within or during the continuance of this act shall be imported or brought into any of the colonies or plantations in America, which now are or hereafter may be in the possession or under the dominion of His Majesty, His heirs or successors, the sum of nine-pence, money of Great Britain, to be paid according to the proportion and value of five shillings and six-pence the ounce in silver for every gallon thereof, and after that rate for any greater or lesser quantity; and upon all molasses or syrups of such foreign produce or manufacture as aforesaid, which shall be imported or brought into any of the said colonies or plantations of or belonging to His Majesty, the sum of six-pence of like money for every gallon

" gallon thereof, and after that rate for
 " any greater or lesser quantity; and
 " upon all sugars and paneles of such
 " foreign growth, produce, or manu-
 " facture as aforesaid, which shall be im-
 " ported into any of the said colonies or
 " plantations of or belonging to His
 " Majesty, a duty after the rate of five
 " shillings of like money for every hun-
 " dred weight avoirdupoize of the said
 " sugar and paneles, and after that rate
 " for a greater or lesser quantity." The
 neat produce of these duties has always
 been paid into the Exchequer here.

There are many more acts of parliament that extend to the colonies, but I conceive I have cited a sufficient number, to shew that parliament has, ever since the Revolution, passed acts which extended to the colonies; which acts have operated in the colonies, whether they were enacted for the purposes of legislation or taxation; which proves that parliament has, from long usage and custom, established its authority over the colonies in all respects.

I have now one other argument to produce in support of the authority of parliament to tax America, which arises from a duty incumbent on parliament to act

act justly and impartially towards all its dominions ; and in order to illustrate this clearly, I shall refer back to the situation of America before the last war. I shall examine upon what foundation and for what purpose that war was entered into ; I shall delineate the situation of Great Britain at the end of the war ; and from those circumstances shall endeavour to prove, that the Americans were bound in gratitude to give, and the parliament of Great Britain was justly intitled to demand, a small quota from the Americans, for the public services of the state.

The British colonists in America were surrounded with enemies ; they were in continual apprehensions of invasions from the French ; their towns were open to incursions from the Indians ; they travelled at the hazard of their lives. These were heavy molestations to their trade ; they asked the assistance of parliament, for they applied to the king, and petitioned for relief. They could not be ignorant, that the king could give them no succour, but by consent of parliament ; therefore it was to parliament that the Americans complained. Parliament listened to their complaints, and determined to relieve them ; parliament undertook a long

long and bloody war for that purpose. It was principally maintained at the expence of the mother-country ; it was persisted in with resolution, until the Indians, those dreadful enemies to the colonists, were driven back into the interior country ; and the French, who were the aiders and abettors of all the Indian wars, were expelled from America.

Parliament, not satisfied with this manifestation of their care and attention to the colonies, and considering that the Americans had exerted themselves during the war, and expended a great share of their money, not only excused them from bearing a part in the public expences of the state, but also voted them large gratuities to enable them to recover themselves.

Great Britain was involved in a vast load of debt. Great part of this debt had been incurred in the support of America ; she had strained every nerve in the cause of America ; she had sacrificed men and money at the altar of American prosperity. The people of Great Britain were opprest with taxes, nor was there any prospect of relief from them.

At

At such a time, it was the duty of a minister to find out a method, if possible, to ease this country; and, at the same time he relieved Great Britain, to avoid oppressing America. The minister did exert himself: he saw the impending danger caused by the great national debt; and he found something must be done, or Great Britain would have been swallowed up in the continent of America. Who was to do this something? Who had power to do it? Who was bound to do it? The answer is obvious; the legislature consist? In parliament. Therefore, the minister brought the business into parliament, as the only competent judge in an affair of so great consequence to the nation. Parliament, as the most expedient measure, laid a tax on America, which would raise money enough to support the establishments of their own civil governments. In this, as on all other occasions, parliament shewed the affection they bore the Americans. They found it absolutely necessary to exert their authority; but they endeavoured to palliate that exertion, by doing it in the most gentle and easy manner. They demanded no requital for past services; they modestly asked a trifle for present necessities, and that to be applied not to their own pur-

F poses,

poses, but for the service of the colonies. They thought gratitude, as well as duty, would oblige the Americans readily to acquiesce in so reasonable a demand. The result has shewn how much they were mistaken. When information of this measure was carried to America, the tone of the colonists was changed. The Indians had ceased to molest them; the French were removed far from them; they had no enemies to contend with; they declared they needed no protection; they wanted no assistance from the mother-country now; that, therefore (for there could be no other reason given) they were not subject to parliament. Parliament had *no* authority over them. They affirmed (ridiculous as it appears) that men calling themselves Britons, were not subject to the British parliament. That men who claimed rights and privileges were not subject to parliament, although those rights and privileges originated, and were derived from parliament. They affirmed that men, who had been protected, supported, and defended by parliament, were not subject to parliament. This affirmation appears strange; but the reason they allege, why they are not subject to parliament is still stranger. It is because they are not represented.—America not represented!—What are the king, the lords, and

the commons? — They are the lawful representative body of the British subjects, who have been vested by the British subjects with an unlimited power to make laws, and raise money for the benefit and support of the British crown. And yet it is said America is not represented in parliament. America, which is a part of the British empire, its inhabitants having acknowledged the supremacy of its laws; having claimed its privileges, and being descended from Englishmen; but (as they say) not represented, because their towns and their counties do not send members to parliament; because, from their situation and circumstances, it is impossible and unnecessary that they should send members to parliament; unnecessary, because, according to the constitution, parliament is a body that represents all the British subjects who dwell in English territories, whether those territories are in America, in the East Indies, or in the West Indies; whether such subjects are possessed of landed property or of money, or if they have neither land nor money, nor the shadow of having a choice of representatives.

Many of the largest towns in England are not represented, when others
F 2

scarce containing an habitation are; and yet these towns have never complained. America is not the only acquisition of territory Great Britain has attained since the foundation of parliament, and yet we do not find the inhabitants of such territories have ever doubted the authority of parliament over them, or insisted upon a right to send members to it. I conceive the reason why they have not attempted it, is, That parliament having entirely fulfilled the purposes for which it was established, having maintained that equilibrium in the several parts of it, which it had at first; having strenuously preserved, inviolate and untouched all those inestimable rights and privileges, it was instituted for the protection of; all parties have agreed, that it would have a dangerous tendency to the firm basis of this constitution to attempt any innovation. I flatter myself, I have fulfilled my first design, in undertaking this little tract, of proving that the Americans are subject to the authority of parliament, by the first principles of colonization; by the power inherent in parliament over all the English territories, and confirmed by the submission of the colonists to it; by this long

long usage and custom of parliament, and likewise by an authority derived from that principle of justice and impartiality, which they are bound to preserve towards all the territories in the British dominions. I have stated facts precisely. I have written free from party-prejudice. It has been my intention to convince my readers by fair argument, not to mislead them by declamation. I appeal to their reason, not to their passions. I do not presume to vindicate, or to condemn any measures that have been pursued; I leave the discussion of those points to abler pens. I sincerely wish, for the benefit of both countries, to see a reconciliation. I wish it to take place for our own sakes; I wish it to take place for the honor of America. I wish it to take place, that it may disappoint the hopes of our enemies, who see with pleasure the dissensions that prevail among us, and who will not let slip such an opportunity to attack us with success. I shall conclude, by submitting to the judgment of all parties the following fable. "Once upon a time the several members of the body mutinied and conspired against the belly. The ground of their complaint was, that they thought it an intolerable grievance, that they should employ all their time and

" and labour, merely to keep him alive
 " in luxury and idleness. Wherefore they
 " resolved to toil no longer to maintain a
 " lazy wretch, who contributed nothing
 " himself to the public support. The
 " hands refused to wag a finger for him.
 " The mouth declared it would not open
 " itself in his service ; and the legs and
 " feet would not stir a step to assist him :
 " in consequence whereof, the belly be-
 " ing famished for want of nourishment,
 " the members also began to lose their fa-
 " culties. Then perceiving their folly,
 " when too late, they all attempted to
 " bestir themselves to restore him ; but
 " they found him grown too weak to re-
 " ceive, and themselves to afford assist-
 " ance ; when the belly perishing all the
 " members perished along with him."



F I N I S.

and respond merely to the
 "luxury and idleness. Whereas they
 resolve to live no longer to minister a
 less master, who constitutes nothing
 private to the publick upper. The
 publick refuse to see a master for him
 "The master decline it would not open
 itself in his service; and the less and
 least master not till a less or him;
 in consequence whereof the belly per-
 "sists sumptuous for want of conseru-
 "the sumptuous also please to lose their ex-
 "quisite. Their behaviour their folly
 "open too late, they all attempt to
 "put themselves to before him; but
 they found him bound too weak to re-
 "ceive, and themselves to shew still if
 "such, when the belly basing all the
 sumptuous qualities about him.



